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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,730	05/30/2001	David Allen Hays	99999.000309	7131

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EXAMINER

MILEF, ELDA G

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/866,730	Applicant(s) HAYS, DAVID ALLEN	
	Examiner Elda Milef	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/26/01, 12/5/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. It is noted that this application appears to claim subject matter disclosed in prior Application No. 60/207,951, filed 5/31/2000. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within

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the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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2. Claims 1-6,7-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Re claims 1-4: The phrase "one or more placement options" is not clearly described in the specification.

Re claims 7: The phrase "receivable ratings" is not clearly described in the specification.

Claims 5-6 and 8-10 are rejected because of their dependency to the rejected claims 1 and 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 10-18,20 are rejected under 35 U.S.C. 103(a) as being unpatentable Levine (US Patent No. 6,233,566) in view of Ojha (US. Patent No. 6,598,026).

Re claim 1: Levine disclose subscribing with an online collections services system wherein a Client inputs profile data ("the subscribers each have a profile archived in system 200")-see col. 21, 41-57;

Levine discloses providing information related to receivables for collection through the online collections services system ("In an embodiment of the present invention, an organization provides a centralized exchange system for loans. Subscribers to the system (i.e., borrowers, brokers, correspondents, mortgage bankers, servicing companies, investors, capital markets brokers, etc.) may engage in trading that optimizes the types of loans being originated by lowering the risk associated with loan origination and maximizes return on each loan.")-see col.7, 47-54 and cols. 7-16.

Levine discloses storing in a database Client profile data and information related to receivables -see col. 21, lines 41-48 and Fig.2A.

The Examiner is interpreting selecting one or more providers based on one or more placement options to mean selecting a service provider based on a rating designated by

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other buyers. Levine do not disclose selecting a service provider based on a rating. Ojha however, shows ("the system of the present invention automatically compiles ratings from the buyer and reviewers to create indices which may be used for decision making.") see col. 10 58-61. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a provider of a service based on a rating of the provider as was done by Ojha in order to assure the user that the transaction will be satisfactory.

Re claim 2: Levine disclose wherein the placement option comprises a step of participating in a bidding process where the Client submits a set of receivables for auction and specifies limitations regarding the bidding process.-see Abstract, and col. 8, lines 6-17, Fig. 15A.

Re claim 3: Levine disclose wherein the placement option comprises a step of invoking an optimization process where a set of Providers able to provide an optimal return is displayed to the Client for selection.-see Levine cols. 7-12 and Figs. 3, 15A, 18,19 24

Re claim 4: Levine disclose wherein the placement option comprises a step of searching for one or more Providers based on Client defined characteristics wherein the Client initiates

contact with the one or more Providers.-see col. 21, line 58-
col. 22, line 18.

Re claim 5: Levine disclose comprising a step of utilizing
Provider data in selecting one or more Providers wherein
Provider data comprises one or more of Provider type, Provider
qualification data, feedback data and efficiency rating data-see
col. 22, lines 12-15.

Re claim 6: Levine does not disclose a step of dynamically
rating the one or more selected Providers with respect to
Provider performance in servicing receivables with one or more
defined characteristics. Ojha however, disclose ("Comments may
also take the form of a rating of the product or merchant
according to a scale automatically provided to the reviewers in
the reviewer network...")-see col. 10, lines 55-61. Therefore it
would have been obvious to one having ordinary skill in the art
at the time invention was made to modify Levine to include
rating a provider (merchant) with respect to service as was
shown by Ojha in order to inform the buyer of the seller's
performance history and aid the buyer in decision making.

Re claim 7: Levine disclose:

subscribing with an online collections services system
wherein a Provider inputs Provider data-see col. 22, lines 11-
18;

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The Examiner is interpreting -viewing one or more receivable ratings associated with one or more Clients - to mean viewing loans that have a certain rating such as FICO score ratings--and as such Levine discloses ("The mortgage bankers can search the available loans on system 200 using various search criteria, either based on the mortgage bankers' pre-set rules, or based on some other criteria, to quickly locate those loans that meet its requirements. For example, if a mortgage banker wants to purchase only loans made to borrowers having a FICO score greater than 600 and an interest rate of 13% or greater, the mortgage banker could use system 200 to search for loans having these criteria.")-see col. 14, lines 54-64, and col. 21, lines 28-33.

Levine do not disclose providing one or more exclusion factors to be applied to a Client selection Process and making a determination in response to a Client selection. Ojha however, shows ("Each Buyer's reputation is made available to sellers on the site for use as they see fit. For example, a seller could choose to respond only to bids from buyers who have a reputation which is of a certain level...")-see col. 3, lines 44-58.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Levine to include the seller considering the buyer's reputation

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in regards to pursuing a transaction as was done by Ojha in order protect the seller from a buyer who does not fulfill his/her obligations.

Re claim 8: Levine discloses comprising a step of participating in a bidding process where the Provider submits one or more bids for one or more sets of receivables for auction. ("In an embodiment of the present invention, an organization provides a centralized exchange system for loans. Subscribers to the system (i.e., borrowers, brokers, correspondents, mortgage bankers, servicing companies, investors, capital markets brokers, etc.) may engage in trading that optimizes the types of loans being originated by lowering the risk associated with loan origination and maximizes return on each loan.")-see col. 7, lines 47-54 and ("Servicing Company Entities that, on behalf of owner of the loan, monitor and collect monthly payments from the Borrower, and may institute proceedings against borrower who are delinquent or in default (phases 120-124)")-see col. 8, lines 41-44.

Re claim 10: Levine do not disclose dynamically rating one or more clients. Ojha however, shows ("According to a specific embodiment, the metric is simply the number of offers honored less the number reneged. A large positive value representing a 'good' reputation...")-see col. 3, lines 21-47. It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to modify Levine to include rating a buyer in order for the seller to be able to avoid dealing with a buyer who may not fulfill his/her obligations to the contract.

Re claims 11-18, and 20: Further a system would have been necessary to perform the method of previously rejected claims 1-8, and 10 and are therefore rejected using the same art and rationale.

5. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine and Ojha as applied to claims 7 and 17 above, and further in view of Lupien (US Patent No. 6,012,046).

Re claim 9: Levine do not disclose further comprising a step of viewing current bids of other participating bidders without revealing the identity of the other participating bidders. It is well known in the art that anonymous bidding is commonplace as evidenced by Lupien ("anonymously matches buy and sell orders.")-see col. 4, lines 27-29. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Levine and Ojha to include anonymous trading as is well known in the art in order to avoid

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other participants influencing the price of the item or service for sale.

Re claim 19: Further a system would have been necessary to perform the method of previously rejected claim 9 and is therefore rejected using the same art and rationale.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

PG Pub. US 2002/0007338 (Do) -cited for its reference to an Auction for goods and services.

PG Pub. US2001/0037281 (French et al.)-cited for an auction for requesting a quote.

PG Pub. US 2004/0059596 (Vaidyanathan et al.) cited for dispute resolutions and Auctions.

US 6,035,288 (Solomon)-cited for negotiation sale of goods or services.

US 6,266,652 (Godin)-cited for Computer Auction System.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda

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Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday - Friday 9:15 am to 5:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600